

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Kent Garvey, on behalf of himself and all
others similarly situated,

Plaintiff(s),

James Arkoosh, Samuel Belzberg, Peter Klein
and Diomed Holdings, Inc.,

Defendants.

Master File No. 1:04-cv-10438-RGS

Second Motion to Reconsider the Motion to
Appoint Lead Plaintiffs and Approve Lead
Plaintiffs' Selection of Counsel

CLASS ACTION

Plaintiff, Kent Garvey, by and through undersigned counsel, hereby moves the Court to reconsider its July 21, 2004 Order denying Plaintiff's Motion to Reconsider Motion to Appoint Lead Plaintiff and for Approval of Lead Plaintiffs' Selection of Counsel, pursuant to Section 21 D of the Securities and Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), Kent Garvey, Albert Overhauser, James T. Marsh, Roger E. Buck, and Thomas Loveless ("Movants").

Plaintiff is hereby submitting a new Declaration of Laurence Rosen dated July 23, 2004 which includes as (a) Exhibit A, the Complaint filed in this action demonstrating the plaintiffs standing as a class member, the definition and size of the proposed class and the financial interest of Movants in this action, (b) Exhibit B, a copy of the notice of the class action published in a national business-oriented newspaper and an affidavit of such publication, pursuant to the PSLRA, (c) Exhibits C1-C5, the certifications of the proposed lead plaintiffs demonstrating their losses in Diomed securities and their adequacy to serve as Lead Plaintiffs, (D) Exhibit D, the closing stock price of Diomed

common stock as of the date of filing of the complaint in this action, (E) Exhibits E and F, the firm resumes of The Rosen Law Firm P.A. and the Law Firm of Scott P. Lopez, proposed Lead Counsel and Liaison Counsel, respectively in this action.

Plaintiffs, through their counsel, respectively request the Court grant Movants' motion for an Order pursuant to Section 21 D of the Securities and Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B):

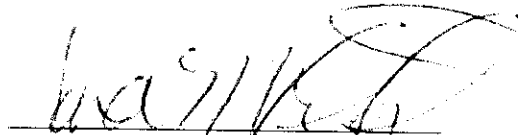
- (a) Appointing Movants to serve as Lead Plaintiffs in this action; and
- (b) Approving Movants' selection of The Rosen Law Firm P.A, 350 Fifth Avenue, Suite 5508, New York, New York 10118, as Lead Counsel and the Law Office of Scott P. Lopez, 24 School Street, 8th Floor, Boston, Massachusetts 02108 as Liaison Counsel for the litigation.

A proposed Order Appointing Lead Plaintiffs and Lead Counsel is being submitted along with this Second Motion for Reconsideration.

Counsel for defendants Diomed Holdings, Inc. and Peter Klein have stated that they do not take any position with respect to the appointment of lead plaintiffs and approval of selection of lead counsel.

DATED: July 23, 2004

LAW OFFICE OF SCOTT P. LOPEZ



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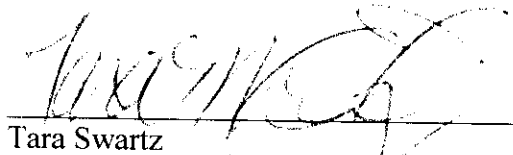
Proposed Liaison Counsel for Plaintiffs

Laurence Rosen
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Proposed Lead Counsel for Plaintiffs

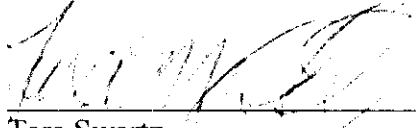
LOCAL RULE 7.1 CERTIFICATION

I hereby certify, upon information and belief, that prior to filing the within motion Laurence Rosen conferred with defendant's counsel Charles W. McIntyre, by telephone on July 22, 2004 and attempted in good faith to resolve or narrow the issues contained herein.


Tara Swartz

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2004, I caused to be served, by first-class mail, postage prepaid, a copy of the foregoing document to all other attorneys of record in this case.



Tara Swartz